

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

FILED
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CLERK OF COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA, FLORIDA

UNITED STATES OF AMERICA

v.

Case No. 8:03-cr-77-T-30TBM

HATIM NAJI FARIZ

ORDER

This cause came on for consideration without oral argument upon the Notice of Appeal (Dkt. #361) filed by Defendant, Hatim Fariz. Defendant filed his notice of appeal pursuant to Rule 58(g)(2)(A) of the Federal Rules of Criminal Procedure. However, Rule 58(g)(2)(A) applies only to: (a) appeals of petty offenses and other misdemeanor cases; and (b) appeals in cases tried by a magistrate judge. See, e.g., Fed. R. Crim. Proc. 58(a)(1). This case neither involves a petty offense, a misdemeanor, nor will this case be tried by a magistrate. This Court concludes that in this case Rule 58(g)(2)(A) is inapplicable.


Pursuant to 28 U.S.C. § 636(b)(1)(A), this Court may designate pretrial matters be heard and determined by a United States Magistrate Judge. Section 636(b)(1)(a) allows “a judge of the court to reconsider any pretrial matter under this subparagraph (A) where it has been shown that the magistrate judge’s order is clearly erroneous or contrary to law.” Section 636(b)(1)(A) would be applicable to this motion because it is a pretrial motion designated by this Court to be heard and determined by Magistrate McCoun.

Based on the foregoing, if Defendant is seeking reconsideration of the magistrate’s Order (Dkt. #338), Defendant shall file within **seven (7) days** of this Order a more thorough

369

memorandum, providing argument and grounds for reconsideration. **Failure by Defendant to do so may result in this Court denying his Notice of Appeal (Dkt. #361).**

DONE and ORDERED in Tampa, Florida on this 10 day of November, 2003.


JAMES S. MOODY, JR.
UNITED STATES DISTRICT JUDGE

Copies furnished to:
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Date Printed: 11/10/2003

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